

REMARKS

A. Status of the Claims

Claims 22-43, 45-47, and 49-50 were previously pending. Applicants have cancelled claims 1-50, and presented new claims 51-71. Claims 51-71 are now pending. Claims 51, 61, and 71 are independent.

B. Summary of the Non-Final Office Action

In the Office Action mailed April 21, 2008, the Examiner: (i) rejected claims 22-31, 33-43, 45-47, and 49-50 under 35 U.S.C. § 103(a) as being allegedly obvious over the combination of U.S. Patent Nos. 6,381,603 to Chan ("Chan") and U.S. Patent No. 6,154,745 to Kari ("Kari"); and (ii) rejected claim 32 under 35 U.S.C. § 103(a) as being allegedly obvious over the combination of Chan, Kari, and U.S. Patent No. 5,938,721 to Dussell ("Dussell"). Applicants thank the Examiner for the thorough examination.

C. Response to the § 103(a) Rejections based on Chan, Kari, & Dussell

Without conceding the merits of the Examiner's rejections, and in an earnest attempt to advance prosecution, Applicants have cancelled the previously pending claims, and Applicants have presented new claims 51-71, thereby rendering the prior rejections moot. The subject matter of new claims 51-71 can be found throughout the specification, including, but not limited to, paragraphs [0005-0009], [0022-0032], and [0060-0069] of the published application. No new matter has been added.

Applicants submit that claims 51-71 are allowable over Chan, Kari, and Dussell for at least the reason that the cited references, whether considered individually or in combination, fail

to teach or suggest at least “relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication,” as recited in claim 51. Therefore, Applicants submit that any rejection based on Chan, Kari, and Dussell would necessarily lack the factual underpinnings required to establish *prima facie* obviousness under MPEP § 2142.

1. **Chan does not teach or suggest “relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication,” as in claim 51.**

In contrast to claim 51, Chan discloses a system and method of using an end-user computer system to search for merchandise in a database. Chan’s database contains merchandise information, where each item of merchandise has a corresponding “record in the database to describe [the] piece of merchandise...[and the] position coordinates of the merchandise.” (Chan, col. 5, lines 8-15.) “[T]he position coordinates [of the merchandise] include the latitude and longitude of [GPS] coordinates.” (Chan, col. 5, lines 13-17.) Chan’s end-user computer system generates a database query for searching the database. (Chan, col. 59-61.) Chan’s query is based on (i) the GPS coordinates of the end-user computer system, (ii) “a geographic area in which the user would like to search for merchandise,” and (iii) other user inputs (e.g., merchandise manufacturer, model, price range, etc.). (Chan, col. 6, lines 20-63.) After generating the database query, Chan’s end-user computer system sends the query over the Internet to a server system that queries Chan’s database. (Chan, col. 6, lines 59-65.) In response to receiving the user’s query, the server system sends search results to the end-user computer system, and the end-user computer system displays the search results to the user. (Chan, col. 7, lines 2-26.)

Chan describes similar methods for returning search results for events and people in response to a user-generated query. (Chan, col. 7, line 27 - col. 10, line 19 (event); Chan, col. 10, line 20 - col. 13, line 8 (person).)

The query result that Chan transmits in response to the user query does not amount to Applicants' claimed "relevant data" for at least the reason that Chan's query result does not "originate[] from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication." Instead, Chan's query result originates from Chan's database, and Chan's database is not "associated with...a location code corresponding to a geographic region" or any other sort of location identifier.

Additionally, Chan's "position coordinates" do not amount to Applicants' claimed "location code" because Chan's "position coordinates" do not "correspond[] to [a] geographic region." Instead, Chan's "position coordinates include the latitude and longitude of [GPS] coordinates" of a particular item of merchandise. (Chan, col. 5, lines 13-17.)

In view of the foregoing, Applicants submit that Chan does not teach or suggest "relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication," as recited in claim 51.

2. **The addition of Kari does not overcome the deficiency of Chan because Kari, like Chan, also fails teach or suggest "relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication," as in claim 51.**

Kari is similar to Chan in that Kari also describes a system that returns search results based on a user-defined query containing the user's position. (Kari, Abstract.) Kari differs from

Chan in that Kari describes a multi-step query processing scheme that uses a connection server and one or more remote servers. (Kari, col. 2, lines 56-66.) Kari's connection server (i) receives a user-generated query containing the position of the user's search terminal, (ii) adds user-specific information to the user's query, and (iii) transmits the user's modified query to a particular remote server based on the user's query. (Kari, col. 5, lines 30-32.) After receiving the user's modified query from the connection server "[t]he remote server will add more user information to the query from [a] user profile database in the remote server, after which the remote server processes the received query message." (Kari, col. 5, lines 33-36.) To process the received query message, "the remote server finds out the location of the searched-for service that is closest to the user...[and] [i]f the query resulted in more than one possible service, these are displayed to the user...in the form of a list..., from which the user can select the desired service." (Kari, col. 13, lines 7-19.)

The list of services that Kari sends to the end user's search terminal does not amount to Applicants' claimed "relevant data" for at least the reason that Kari's list of services does not "originate[] from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication." Instead, the list of services that Kari sends to the end user's search terminal originates from Kari's remote server, and Applicants' review of Kari found nothing to teach or suggest the Kari's remote server is associated with any sort of "location code," much less "a location code corresponding to a geographic region."

In view of the foregoing, Applicants submit that Kari does not teach or suggest "relevant data [that] originates from at least one information source that is associated with a location code

corresponding to a geographic region within a defined distance from the geographic position specified in the received indication,” as recited in claim 51.

3. **The addition of Dussell does not overcome the deficiencies of Chan and Kari because Dussell, like Chan and Kari, also fails to teach or suggest “relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication,” as in claim 51.**

In contrast to claim 51, Dussell discloses a mobile computer system that (i) “receives positioning information corresponding to its geographic location”; and (ii) indexes a database of task descriptions, where each task description in the database includes a geocode corresponding to the geographic location where the task is to be completed. (Dussell, col. 1, line 54 - col. 2, line 5.) When Dussell’s mobile computer system receives positioning information, it queries the database to “retrieve task descriptions having...geocodes which are close in proximity...to the current geographic location of [the] mobile computer.” (Dussell, col. 8, lines 47-50.)

Dussell’s geocoded tasks do not amount to Applicants’ claimed “relevant data” for at least the reason that Dussell’s geocoded tasks do not “originate[] from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication.” Instead, Dussell’s geocoded tasks originate from Dussell’s database, and Dussell’s database is not “associated with...a location code corresponding to a geographic region” or any other sort of location identifier. Indeed, Dussell teaches that task descriptions are associated with location information, but not that the database hosting the task descriptions is associated with location information.

Additionally, Dussell's geocodes do not amount to Applicants' claimed "location code" because Dussell's geocodes do not "correspond[] to a geographic region." Instead of corresponding to a particular geographic region, Dussell's geocodes correspond to "a variety of business establishments and other locations (such as historical points of interest, stadiums, theaters, etc.)" (Dussell, col. 9, lines 11-13.)

In view of the foregoing, Applicants submit that Dussell does not teach or suggest "relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication," as recited in claim 51.

4. Claims 51-71 are Allowable over Chan, Kari, and Dussell

Because Chan, Kari, and Dussell, whether considered individually or in combination, fail to teach or suggest "relevant data [that] originates from at least one information source that is associated with a location code corresponding to a geographic region within a defined distance from the geographic position specified in the received indication," Applicants submit that any rejection of claim 51 based on Chan, Kari, and Dussell would necessarily lack the factual underpinnings required to establish *prima facie* obviousness under MPEP § 2142. Therefore, Applicants submit that claim 51 is non-obvious and allowable over the combination of Chan, Kari, and Dussell for at least this reason. Additionally, because claims 61 and 71 recite elements similar to those recited in claim 51, Applicants submit that claims 61 and 71 are allowable over the combination of Chan, Kari, and Dussell for at least the same reasons as claim 51. Applicants further submit that (i) claims 52-60 and (ii) 62-70 are likewise non-obvious and allowable over Chan, Kari, and Dussell for at least the reason that they depend from allowable claims 51 and 61, respectively.

D. Conclusion

Applicants submit that the present application is in condition for allowance and notice to that effect is hereby requested. If the Examiner feels that further dialog would advance the application to issuance, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,
McDonnell Boenken Hulbert & Berghoff LLP

Date: September 22, 2008

By: /Jeffrey P. Armstrong/
Jeffrey P. Armstrong
Reg. No. 54, 967